

**REMARKS**

Upon entry of the present amendment, Amendment-A, claims 1-14 remain pending in the present application, of which claims 1, 7, 8 and 14 are independent.

The above-identified Office Action has been reviewed, the applied references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment-A is submitted. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

**Amendments**

In the above amendments: claim 1 has been amended to further and more particularly define the subject matter which applicant regards as the present invention. Particularly, claim 1 has been amended herein to further define that an exhaust system for small sized boat comprises a front exhaust pipe coupled to the engine and connected to the expansion chamber and that the water muffler significantly reduces low frequency exhaust noises. Claim 3 has been amended herein to further define that the exhaust system for the small-sized boat according to claim 1, wherein said resonator chamber is enclosed within said water muffler. Claims 4 and 11 have been amended to correct a minor grammatical error. Claims 5-6 and 12 have been amended for consistency. Claims 7 and 14 have been amended herein, at the suggestion of the Examiner, by rewriting these claims in independent form including all limitation of the base claim and intervening claims to put the claims 7 and 14 in a condition of allowance. Claim 8 has been amended herein to further define that the water muffler significantly reduces low frequency exhaust noises. Claim 10 has been amended herein to further define that the resonator chamber is enclosed within said water muffler. Claim 13 has been amended herein to further define that the

water muffler according to claim 8, wherein said front and rear connecting pipes are coupled to said single expansion chamber on opposite side of the water-controlling plate disposed in said water muffler.

Applicant respectfully submits that the above amendments are fully supported by the original disclosure including drawings, and that no new matter is introduced into the application by amending the claims.

Claim Rejections - 35 USC §102 (e)

In the above-identified Office Action (Page 2), the Examiner rejected claims 1-6 and 8-13 under 35 USC §102(e) as being anticipated by Matsuda (US 6,764,361). In his rejection, the Examiner states that Matsuda discloses the claimed exhaust system including water muffler. According to the Examiner's interpretation of Matsuda's disclosure, the exhaust system includes a front exhaust pipe 2 exiting into an expansion chamber, and gas flows from the expansion chamber through pipe 3d into resonator 3r, and then exists through a rear exhaust pipe to the atmosphere. Further, the Examiner interprets that a plate of aft of the inlet pipe will inherently control water flow through the filter.

*Applicant's Response:*

Upon careful consideration and in light of the above amendments, applicant respectfully submits that the rejection is overcome, and that each of claims 1-6 and 8-13 is patentably distinct over the disclosure of Matsuda for several reasons, including those given below.

Initially regarding independent claims 1 and 8, Matsuda discloses a water muffler having "... a plurality of chambers (expansion or the like), which are connected to one another by means of a communicating pipe 3d, and a resonator 3R provided at a rear end portion inside the water muffler (cmphasis added)" (col. 5, lines 63-67 and col. 2, lines 1-2), which is directly contrary to

the feature of claims 1, 8 defining that the interior of the water muffler is divided "into a single expansion chamber and a resonator chamber 9emphasis added)".

Relatedly, Matsuda's muffler does not significantly reduce low frequency exhaust noises, as now required by claims 1 and 8. Instead, the focus – object of Matsuda's muffler is to increase horsepower by increasing the effective length of the exhaust passages.

Further, Matsuda does not disclose a rear exhaust pipe opened to the outside of the boat and connected to the expansion chamber as required by claims 1, 8, or front and rear exhaust pipes connected to the single expansion chamber on opposite sides of the water-controlling plate as required by claims 6 and 13. Rather, Matsuda discloses that an exhaust gas is discharged from the resonator 3R outside the watercraft through an exhaust expansion pipe 5 (col. 6, lines 1-3), whereas he does not disclose any component comparable to a water-controlling plate as claimed.

Still further, although Matsuda discloses a separating plate 2d, between passages 2A, 2B of an exhaust pipe 2, for further cooling of exhaust gases as they travel in a longitudinal direction of the water muffler, such separating plate is very distinct from the water-controlling plate defined in claims 2, 9, etc. For example, the plate is within the exhaust pipe 2, not within an upper side of an expansion chamber between front and rear exhaust pipes as required by claims 2, 9, the separating plate is not disposed above a water level normally maintained in the muffler as required by claims 5 and 12, etc.

Moreover, Matsuda never discusses anything corresponding to the water-controlling plate of the present invention, which suppresses water rampage so as to prevent flow (adversc reversc flow) of water from the expansion chamber to the engine through front exhaust pipe connected to the expansion chamber.

For all of the foregoing reasons claims 1-6 and 8-13 are believed to be clearly patentably

distinct over Matsuda's muffler, and accordingly applicant requests consideration and withdrawal of the rejection of claims 1-6 and 8-13 under USC § 102(c).

Allowable Subject Matter

In item 3 of the above-identified Office Action, the Examiner objected to claims 7 and 14 as being dependent upon a rejected base claim, but indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Applicant gratefully acknowledges the Examiner's indication of allowability, and claims 7 and 14 have been rewritten in independent form as suggested, so that they are believed to be in allowable form.

Conclusion

In conclusion, applicant has overcome the Examiner's rejection as presented in the Office Action; and moreover, applicant has considered all of the references of record, and it is respectfully submitted that the invention as defined by each of the present claims is patentably distinct thereover.

Applicant respectfully submits that all of the above amendments are fully supported by the original application. Applicant also respectfully submits that the above amendments do not introduce any new matter into the application.

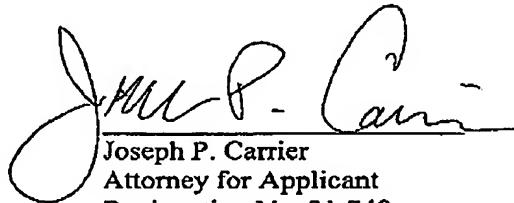
The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that he telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable reconsideration is respectfully requested.

The Commissioner is hereby authorized to charge \$200.00 to Deposit Account No. 50-0744 in the name of Carrier, Blackman & Associates, P.C. in payment of the fee for presentation of a 4<sup>th</sup> independent claim. A duplicate copy of this sheet is encloscd.

Respectfully submitted,

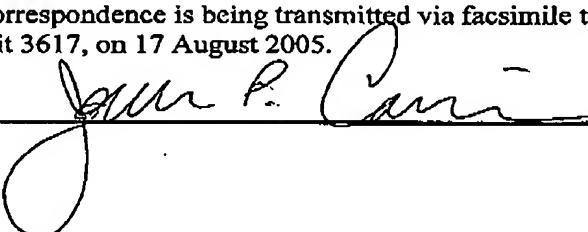


Joseph P. Carrier  
Attorney for Applicant  
Registration No. 31,748  
(248) 344-4422

Carrier, Blackman & Associates, P.C.  
24101 Novi Road, Suite 100  
Novi, Michigan 48375  
17 August 2005

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted via facsimile to the US Patent & Trademark Office, Art Unit 3617, on 17 August 2005.

  
Dated: 17 August 2005  
JPC/fs

The Commissioner is hereby authorized to charge \$200.00 to Deposit Account No. 50-074 in the name of Carrier, Blackman & Associates, P.C. in payment of the fee for presentation of a 4<sup>th</sup> independent claim. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Joseph P. Carrier  
Attorney for Applicant  
Registration No. 31,748  
(248) 344-4422

Carrier, Blackman & Associates, P.C.  
24101 Nova Road, Suite 100  
Novi, Michigan 48375  
17 August 2005

SERIAL NUMBER

I hereby certify that this correspondence is being transmitted via facsimile to the US Patent & Trademark Office, Art Unit 3617, on 17 August 2005.

  
Joseph P. Carrier  
Date: 17 August 2005  
JPC/BS